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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 MICHAEL HOLTSINGER,

No. 2:03-cv-00732-MCE-CMK-P

12 Plaintiff,

13 v.

ORDER

14 J.M. BRIDDLE, et al.,

15 Defendants.  
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17 Plaintiff, a state prisoner, brings this civil rights action pursuant to 42 U.S.C. § 1983. The  
18 matter was referred to a United States Magistrate Judge pursuant to Eastern District of California  
19 local rules.

20 On May 29, 2007, the magistrate judge filed findings and recommendations herein which  
21 were served on the parties and which contained notice that any objections to the findings and  
22 recommendations were to be filed within 20 days. Timely objections to the findings and  
23 recommendations have been filed. Defendants filed objections to the May 29, 2007, findings and  
24 recommendations specifically concerning the Magistrate Judge's statement that this action would  
25 remain open as against defendants Runnels and Knight only.

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1 In particular, defendants observe that defendant Runnels was dismissed with prejudice on  
2 February 10, 2006, pursuant to a settlement agreement. Defendants' objections is well taken. It  
3 appears that the inclusion of defendant Runnels in the conclusion portion of the May 29, 2007,  
4 findings and recommendations was merely an oversight.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304,  
6 this court has conducted a de novo review of this case. Having carefully reviewed the entire file,  
7 the court finds the findings and recommendations to otherwise be supported by the record and by  
8 proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations filed May 29, 2007, are adopted in full, except  
11 with respect to defendant Runnels, whose February 10, 2006, dismissal is hereby ratified;  
12 2. Defendant Nolan's motion for summary judgment (Doc. 180) is granted;  
13 3. Defendant Nolan is dismissed with prejudice; and  
14 4. This action remains open as against defendant Knight only.

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16 Dated: July 5, 2007

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18 MORRISON C. ENGLAND, JR.  
19 UNITED STATES DISTRICT JUDGE  
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